

**Ernest Warren, Jr. OSB 891384**  
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**Attorney for Defendant Earl Deverle Fisher**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**Case No. 3:18-CR-00319-JO-2**

**DECLARATION OF ERNEST  
WARREN, JR. IN SUPPORT  
OF UNOPPOSED MOTION  
FOR UNITED STATES  
MARSHAL TO COMPLETE  
DEFENDANT FISHER'S EYE  
EXAM**

**v.**

**EARL DEVERLE FISHER,**

**Defendant.**

I, Ernest Warren, Jr., under penalty of perjury hereby depose and say:

1. I am one of the attorneys of record for Mr. Fisher
2. Back in April of 2007, Mr. Fisher is working installing shingles on a roof, he falls severing his left optic nerve and is blind in his left eye.
3. On February 14, 2019, Mr. Fisher receives an eye examination at the Casey Eye Institute and an additional eye appointment is set for an optometry evaluation to fill a prescription for monocular polycarbonate eyeglasses, among other prescriptions. A copy of Mr. Fisher's Eye Exam Records will be provided to the court and government via email to not

**PAGE 1—DECLARATION IN SUPPORT OF UNOPPOSED MOTION FOR UNITED  
STATES MARSHAL TO COMPLETE DEFENDANT FISHER'S EYE EXAM**

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make his medical records a matter of public record.

4. On or before April 9, 2019, U.S. Marshal Service cancels Mr. Fisher's appointment.
5. On April 26, 2019, Debra Burdzik, one of the attorneys for Mr. Fisher, and Miriam Widman, death penalty mitigation expert, visit Mr. Fisher who complains of inability to read legal documents because of blurry vision.
6. Accordingly, we request the court order the U.S. Marshal Service to reschedule and complete Mr. Fisher's eye examination so he may receive polycarbonate eyeglasses for monocular vision because defense counsel cannot receive legal documents with Mr. Fisher without him being able to see out of his good eye, and the eye examination is estimated to be about \$250.00 (estimated from his first exam).
7. The government does not oppose this request.

Dated this 1<sup>st</sup> day of May, 2019.

**WARREN & SUGARMAN**

/s/Ernest Warren, Jr. \_\_\_\_\_

**Ernest Warren, Jr. OSB No. 891384**

Attorney for Defendant

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**CERTIFICATE OF SERVICE**

I hereby certify that I have served a certified true copy of the **DEFENDANT'S UNOPPOSED MOTION FOR UNITED STATES MARSHAL TO COMPLETE DEFENDANT FISHER'S EYE EXAM AND DECLARATION OF COUNSEL** in the attached matter upon the parties listed below by notice of electronic filing using the CM/ECF System as follows:

**Leah K. Bolstad**

US Attorney's Office, District of Oregon  
1000 SW Third Avenue, Suite 600  
Portland, OR 97204  
503-727-1125  
Fax: 503-727-1117  
Email: leah.bolstad@usdoj.gov

and filed the original with the Court on the date listed below.

DATED this 1 day of May, 2019.

**WARREN & SUGARMAN**

/s/Ernest Warren, Jr.

**Ernest Warren, Jr. OSB No. 891384**  
Attorney for Defendant